

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JOHN DOE,	)	
	)	
Plaintiff,	)	Case No. 5:21-cv-00073
	)	
v.	)	<b><u>ORDER</u></b>
	)	
SHENANDOAH UNIVERSITY,	)	By: Hon. Thomas T. Cullen
	)	United States District Judge
Defendant.	)	

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This matter is before the court on Plaintiff John Doe’s (“Plaintiff”) motion for voluntary dismissal without prejudice (ECF No. 67) and Defendant Shenandoah University’s (“the University”) brief in opposition to that request (ECF No. 69). Because the University does not consent to Plaintiff’s request, dismissal may only occur “on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). After a review of Plaintiff’s request, the court is not prepared to grant the request and dismiss this case without prejudice at this time. As the University points out, this case has been pending for over two years, and the University has spent significant time and money defending against Plaintiff’s claims. Moreover, Plaintiff’s vague assertion of “financial and confidential, personal reasons” necessitating his request does little to satisfy the court that dismissal without prejudice is a proper resolution of this action. (*See* ECF No. 68.)

Accordingly, Plaintiff is **ORDERED** to file a reply to the University’s brief within **ten (10)** days from the date of this Order. That brief should address (1) whether Plaintiff consents to dismissal of his action *with prejudice* or, if not, (2) the nature of the “financial and confidential, personal reasons” supporting his request. If he does not consent to dismissal

with prejudice or is not prepared to offer further details on the reasons for his request, his motion will be denied and this case will proceed as scheduled.<sup>1</sup>

The Clerk is directed to forward a copy of this Order to all counsel of record.

**ENTERED** this 9th day of April, 2024.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff may also request a continuance of the trial date but, given the length of time this case has been pending, the court makes no guarantee as to whether any such motion will be granted.